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5 UNITED STATES DISTRICT COURT  
6 EASTERN DISTRICT OF WASHINGTON  
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8 UNITED STATES OF AMERICA,

9 Plaintiff,

10 v.

11 JHONY MENDOZA,

12 Defendant.  
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No. 1:15-cr-02071-SAB-5

**ORDER DENYING MOTION AS  
MOOT**

19 Before the Court is Defendant Jhony Mendoza's Motion to Withdraw Plea  
20 of Guilty, ECF No. 296. In his motion, Mr. Mendoza indicated that he was not  
21 aware of the consequences of his plea and implies surprise at potential harm to his  
22 ability to remain in the United States after his sentence.

23 Mr. Mendoza submitted a second letter through his defense counsel, Mr.  
24 Lynch, indicating that he changed his mind and would like to proceed to  
25 sentencing and the plea "deal he signed." ECF No. 309 at 3. The Court carries  
26 concern that Mr. Mendoza indicated at his change of plea hearing that he was  
27 aware of immigration consequences to his plea, ECF No. 157 & 163. Regardless,  
28 because Mr. Mendoza has signed a statement indicating he will withdraw his

ORDER DENYING MOTION AS MOOT ^ 1

1 motion seeking to withdraw his guilty plea, the Court will grant his request and  
2 **deny the motion as moot.** This order makes no conclusions on whether Mr.  
3 Mendoza is actually legally able to withdraw his plea, or if the grounds he cited as  
4 a basis for withdrawal are meritorious.

5 Accordingly, **IT IS HEREBY ORDERED:**

6 1. Defendant's Motion to Withdraw Plea of Guilty, ECF No. 296, is  
7 **DENIED AS MOOT.**

8 **IT IS SO ORDERED.** The District Court Executive is hereby directed to  
9 enter this Order and furnish copies to counsel.

10 **DATED** this 2nd day of August, 2017.



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A handwritten signature in blue ink, reading "Stanley A. Bastian", is written over a horizontal line.

16 Stanley A. Bastian  
17 United States District Judge  
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